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2 RICHARD J. BENDER
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5

6   IN THE UNITED STATES DISTRICT COURT

7   FOR THE EASTERN DISTRICT OF CALIFORNIA

8

9 UNITED STATES OF AMERICA,   )   CASE NO. 2:05- MJ - 0089 KJM
)
10   Plaintiff,   )
)   **STIPULATION TO CONTINUING DATE**
11   v.   )   **OF PRELIMINARY HEARING;**
)   **ORDER**
12 FREDERICO PIZANO,   )
)
13   Defendant.   )
   _____)

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15   IT IS HEREBY STIPULATED between the parties through their respective counsel, that the

16 date of the preliminary hearing in this case be continued from April 27, 2005 to April 28, 2005, at

17 2:00 p.m. The government has requested the additional day to accommodate the schedule of the

18 grand jury and the availability of a witness needed to testify before the grand jury. Defense counsel,

19 Linda Harter, Esq., has no objection to the request and has authorized government counsel to sign this

20 stipulation on her behalf.. The defendant was recently released from custody to the Effort Treatment

21 Center and the parties are engaged in ongoing discussions to resolve the matter.

22   The parties further agree that, pursuant to F.R.Crim.P. 5.1(d), good cause exists to continue

23 the preliminary hearing to the new date and that time be excluded from the calculation of the 30 day

24 time limits imposed by the Speedy Trial Act [18 U.S.C. § 3161(b)], pursuant to the exception

25 contained in Sections 3161(8)(A) and 3161(B)(iii) (delay needed because of unavailability of grand

26 jury witness and the need for additional time to investigate possible settlement of the case

27 preindictment).

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                                        1

1   STIPULATION CONTINUING DATE
    OF PRELIMINARY HEARING; ORDER

2

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4   Dated: April 25, 2005

                                    McGREGOR W. SCOTT
5   U.S. Attorney

6
                                    by   /s/
7   RICHARD J. BENDER
                                         Assistant U.S. Attorney
8

9   Dated: April 25, 2005

10

11   _____/s/_____
                                         LINDA HARTER
12   Attorney for Frederico Pizano

13

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15 IT IS SO ORDERED,

16 this __25th__ day of April, 2005

17   _____
                                    U.S. MAGISTRATE JUDGE
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